

REMARKS

The Examiner has required restriction under 35 U.S.C. §121 between Group I, claims 1-18 (drawn to motor structure), or Group II, claims 19-39 (drawn to a motor control circuit). Applicant hereby elects Group II, claims 19-39, for prosecution on the merits. Further, claim 19 has been rejected; claims 20-24 are objected to; and claims 27-39 are allowed. In addition, claims 1-18 are withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention. Accordingly, claims 1-18 have been canceled without prejudice.

Applicant reserves the right to file one or more divisional, continuation, and/or continuation-in-part applications covering the non-elected claims 1-18.

By this response, claims 1-18 have been cancelled; claims 20 and 23 have been amended; and new claims 40-46 have been added. Support for claims 40-46 can be found at least at Figures 2 and 4; paragraphs 58-65, 84-85, and 100. Thus, claims 19-46 are pending in this application.

Election Restriction

Applicant acknowledges and thanks the Examiner for the teleconference on April 16, 2003, in which a provisional election was made without traverse by Applicant to prosecute Group II, claims 19-39, drawn to a motor control circuit. Applicant hereby affirms such election.

Allowed and Allowable Claims

Applicant respectfully thanks the Examiner for the allowance of claims 27-39. Furthermore, claims 20-24 have been rewritten in independent form by making claims 20 and 23 independent, including all of the limitations of the base claim and any intervening claims and are now believed to be in allowable form.

Rejections Under 35 U.S.C., §103

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Champion* (U.S. Patent No. 5,836,165 A), in view of *Dieterle, et al.* (U.S. Patent No. 6,091,887A). Claims 25 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Champion*, as modified by *Dieterle, et al.*, as applied to claim 19, and further in view of *Nakanishi, et al.* (U.S. Patent No. 5,117,642 A).

In order to establish a *prima facie* case of obviousness, the Examiner must provide: 1) one or more references, 2) that were available to the inventor and, 3) that teach, 4) a suggestion to combine or modify the references, 5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Here, elements 4-5 are not provided.

Two criteria have evolved for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. . . . A reference is reasonably pertinent if . . . it is one which, because of the

matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. . . . If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, . . . [i]f it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. (See *In re Clay*, 23 USPQ 2d 1058, 1060-61 (Fed. Cir. 1992).)

Here, *Dieterle et al.* is not from the same field of endeavor, and is directed to a different purpose. *Dieterle et al.* is from the field of endeavor for accurately controlling rotation speed of a rotary motor. The present invention is from the field of endeavor for vibration reduction of linear reciprocating machines. With reference to the different purpose, *Dieterle et al.* is directed to precisely and accurately controlling rotation speed of a motor which is a different purpose than vibration reduction of linear reciprocating machines. Hence, claims 19 and 25 are improperly rejected for the above reasons.

Secondly, claim 26 is improperly rejected because claim 26 is dependent on independent claim 19. Therefore, claim 26 does NOT include the limitation of an FFT analyzer. It appears as if the examiner has mistakenly assumed that claim 26 is dependent on claim 25 (which includes the limitation of an FFT analyzer). Accordingly, Applicants' traverse the rejection of claim 26 and such claim is believed to be allowable over the art of record and the present rejection.

Withdrawal of these rejections is respectfully requested.

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CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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By: _____


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